

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of:

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DERAILMENT OF CSX TRANSPORTATION  
TRAIN K42911 WITH SUBSEQUENT  
HAZARDOUS MATERIALS RELEASE  
IN DRAFFIN, KENTUCKY,  
ON FEBRUARY 13, 2020

Accident No.: RRD20FR002

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Interview of: BRETT CONN, Track Inspector  
CSX Transportation

Holiday Garden Inn  
Pikeville, Kentucky

Saturday,  
February 15, 2020



## APPEARANCES:

RICHARD HIPSKIND, Track and Engineering Group Chairman  
National Transportation Safety Board

JOE GORDON, Assistant Investigator in Charge  
National Transportation Safety Board

ZACK ZAGATA, Investigator  
National Transportation Safety Group

LOU TOMASSONE, Deputy Regional Administrator  
Federal Railroad Administration

DANIEL WILSON, Track Inspector  
Federal Railroad Administration

GREG MELLISH, Chief Engineer  
CSX Transportation

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1



1 recording, and I would also remind everybody just one person  
2 talking at a time. I'll lead off, and then pass off to my right.

3 Again, my name is Richard Hipskind. The spelling of my last  
4 name is H-i-p-s-k-i-n-d. I am the Track and Engineering Group  
5 Chairman for the NTSB for this accident.

6 MR. WILSON: I'm Daniel Wilson, W-i-l-s-o-n. I'm the FRA  
7 Track Inspector out of Knoxville, Tennessee.

8 MR. MELLISH: Greg Mellish, M-e-l-l-i-s-h. I'm the Chief  
9 Engineer for CSX.

10 MR. GORDON: Joe Gordon, G-o-r-d-o-n. I'm the Assistant  
11 Investigator in Charge for the National Transportation Safety  
12 Board.

13 MR. HIPSKIND: And, Mr. Conn, would you please put yourself  
14 on the record?

15 MR. CONN: Brett Conn, C-o-n-n, Track Inspector CSX.

16 MR. HIPSKIND: Okay. And in addition, I want the record to  
17 reflect that we have two other gentlemen who are posting the  
18 interview. So, gentlemen, would you please introduce yourselves?

19 MR. ZAGATA: Zack Zagata, Z-a-g-a-t-a, NTSB Investigator.

20 MR. TOMASSONE: Lou Tomassone, T-o-m-a-s-s-o-n-e, FRA Deputy  
21 Regional Administrator.

22 MR. HIPSKIND: Okay. Thank you, gentlemen.

23 INTERVIEW OF BRETT CONN

24 BY MR. HIPSKIND:

25 Q. And, Mr. Conn, do we have your permission to record our

1 discussion, our interview with you today?

2 A. Yes, you do.

3 Q. And do you wish to have a representative with you at the  
4 interview?

5 A. No, I don't.

6 Q. Okay. And Mr. Conn, do you mind if we proceed on a first  
7 name basis?

8 A. Yes, sir.

9 Q. Thank you, Brett. So let's proceed. Please, Brett, please  
10 give us kind of a synopsis of your work experience, how long  
11 you've been on the railroad, and kind of hit the treetops of some  
12 of the positions you've held up to your present position if you  
13 could.

14 A. I hired in CSX May 12, I think, 2003. I was a trackman for  
15 about 2 years, assistant foreman, track inspector. Then I took  
16 the managerial job of assistant roadmaster, roadmaster, and went  
17 back to my tools, and track inspector. I went back to track labor  
18 for about a year, and then went back to track inspection since  
19 '06.

20 Q. So about 17 years --

21 A. 17.

22 Q. -- and the last -- let's see if I got this right. The last,  
23 about the last 14 years track inspection?

24 A. That's correct.

25 Q. Okay. And could you kind of take us through, Brett -- you

1 and I talked before the interview. I think the main thing that we  
2 want to hear from you or understand from you in your own words is  
3 take us through your track inspection routine that would tell us  
4 about the frequency, and what goes through your mind or what your  
5 expectations are when you do that work.

6 A. It's pretty basic. I mean, it's all computerized. I have  
7 set go from A to B on this day, and the next day A to B, and cover  
8 everything what I can in between once I get done with doing my  
9 yard or something. That's a typical day.

10 Q. And so how much territory would you traverse, say, in a week?

11 A. A week, probably have my whole main lines probably  
12 everything, 140 miles, 130, somewhere around there. It's divided  
13 up every week. I ride from Mile Post 84 to 128, which is one of  
14 the parts of interest here, on Mondays. On Tuesdays, I have 31  
15 miles to ride. And on Wednesdays, I do industries and whatever  
16 else I can do -- yards, and just whatever else I can do.  
17 Thursdays, I have 13.5 miles to run. Then I try to do everything  
18 else in between. Fridays, I ride from Mile Post 84 to 102, and  
19 try to fill in the -- everything else in between. That's the  
20 sidings and everything.

21 Q. So, Brett, you basically work a Monday, Friday, 5 consecutive  
22 days. That's your normal workweek?

23 A. Probably.

24 Q. And is it fair to say that you're trying to meet a track --  
25 mainline track inspection frequency of twice a week or just, is it



1 just one time a week?

2 A. Well, it's divided up. I don't -- it's been like that for  
3 about 4 years. I do the whole mainline on my Monday.

4 Q. Okay.

5 A. 84 to 128. And about 3 years ago they made me just run from  
6 84 to 102 on Fridays.

7 Q. Okay. Lot of mainline switches out there to look at?

8 A. Lot of mainline switches.

9 Q. How do you normally cover that? Do you cover that when  
10 you're going over the track at the time or do you set aside a  
11 special day for that?

12 A. I cover it when I go over.

13 Q. Okay. So tell me about some of the training that you've  
14 received over the years to help us understand what you have to do,  
15 what courses or anything you have to take to be qualified to do  
16 what you do?

17 A. Seems like we do quarterly, quarterly stuff, and we do yearly  
18 stuff. I mean, we do CWR training, we do safety training, we do  
19 FRA training three or four times a year we have. I've been to  
20 Atlanta, Georgia, for week-long training. And the best training  
21 is experience.

22 Q. And you have -- you do have quite a bit of experience.

23 A. Yes, sir.

24 Q. So here's a question I generally ask people who are on the  
25 ground doing this. Do you feel comfortable doing what you're

1 doing?

2 A. Yes, sir.

3 Q. You do. And the amount of training that you received during  
4 your 17 years, is it adequate? Is it helpful to you?

5 A. It's very helpful.

6 Q. Okay.

7 A. Always something new out here.

8 Q. All right. I think what I want to do now, if you're okay  
9 with this, I want to pass it off to Danny Wilson with the FRA, and  
10 I think he wants to talk to you a little bit about special  
11 inspections. We kind of understand what you do on normal events,  
12 but let's have Danny talk with you about special inspections.

13 BY MR. WILSON:

14 Q. So when you're doing your -- you get over your territory, you  
15 said, twice a week, your mainline, and that's your regular FRA  
16 inspection. When you're -- when you do a special inspection, what  
17 are you looking for?

18 A. Well, it all depends. If it's flood, I'm looking for flood  
19 damage, wash-outs, slides, trees, lot of trees. Basically  
20 everything. And whether it be heat or that you always look for  
21 that. Try your best to. It's just different stuff. Heat runs  
22 you follow the train. I mean, kinks and stuff like that. But  
23 you're always looking for something. Like inspecting a switch,  
24 you're looking Point A to Point B, look at everything. So do the  
25 best you can do.

1 Q. When you go through your annual training, your 213, A, B and  
2 C, you're a qualified track inspector, correct?

3 A. Um-hmm.

4 Q. Do they train you on special inspections? Do they talk  
5 about --

6 A. Yes.

7 Q. -- those?

8 A. Yeah. 213. Basically stuff that you feel like won't cause  
9 something like a saturated ballast or something. Feel it good for  
10 10. It's 10 mile an hour to begin with. But, yeah, I've had  
11 training like that.

12 Q. So when you do have a special inspection, who calls you out?  
13 How are you notified? Is it the dispatcher?

14 A. Well --

15 Q. Is it roadmaster?

16 A. A lot of times they all call me. We used to have a call  
17 center, but they -- it's been the Signal Department calling me  
18 now. They have the call center now. Or the roadmaster. Nine  
19 times out of 10 it's all 3, but the Jacksonville usually calls  
20 first.

21 Q. And that's for any kind of flash floods, heat?

22 A. 24/7 basically.

23 Q. Were you aware of any flash floods the night of February 12  
24 or in the morning of February 13 in the area?

25 A. No, sir. Didn't get a -- it was raining. Nobody called. I

1 did not get a call.

2 MR. WILSON: That's all I got.

3 MR. HIPSKIND: Okay. Thanks, Danny.

4 Greg, do you want to add anything?

5 BY MR. MELLISH:

6 Q. Now, could you tell me again, where do you inspect on Fridays  
7 from?

8 A. 84, which is Allen to the FO cabin (ph.) 102.

9 Q. Okay. So on Monday you said you went from 84 to 128. Is  
10 there a reason you don't go from 84 to 128 later in the week?

11 A. They changed it about 3 years ago. It's double track  
12 (indiscernible). You go from 1 to 2, from FO to Forage (ph.)  
13 Branch. I don't like it, but that's what it is.

14 MR. MELLISH: Okay. Thank you.

15 MR. HIPSKIND: Greg, is that all you have?

16 MR. MELLISH: Yes

17 MR. HIPSKIND: Okay. Joe?

18 MR. GORDON: Okay. Joe Gordon, NTSB.

19 BY MR. GORDON:

20 Q. You spoke about the computer-aided track inspection system  
21 that you guys use. Is that still ATIS? Is that --

22 A. Yes, sir.

23 Q. Okay. And so when you're talking about your track inspection  
24 schedule, that's driven off of ATIS. So on the days that -- it  
25 prompts you on what track or you know what track you have to

1 inspect, and then it prompts you, and then -- and this is my  
2 understanding. Tell me if I'm correct. If there's an inspection  
3 frequency that is overdue then you get a notification that it has  
4 to be done. With the ATIS system, are the weather patrols that  
5 you were talking about, are those tied in with the ATIS system? Do  
6 you get a notification from ATIS or do you have to enter that  
7 weather?

8 A. I have to enter it.

9 Q. You have to enter.

10 A. Special inspection.

11 Q. Okay. So it's a manually -- you get a notification that you  
12 have to do this inspection. You go out and do it, and then you  
13 enter into the ATIS system yourself. So I'm -- my days on the --  
14 when was -- and if someone asked this, I may have missed it. When  
15 was the last time you inspected through that area?

16 A. It was Monday morning.

17 Q. Monday morning.

18 A. Yeah.

19 Q. Okay. And the accident occurred on?

20 A. Thursday.

21 Q. Thursday. So your next required -- for frequency, your next  
22 trip over that territory would have been Friday?

23 A. Been Monday.

24 Q. Been Monday again. Okay. So it's once a week?

25 A. Yeah.

1 Q. Okay. And no, there were no weather patrols? You didn't get  
2 any notification of anything in that area?

3 A. No. With that being said, Sunday night we did have a slide  
4 at CMG 120.8. There was a lookout.

5 Q. Okay.

6 A. And there's still a lookout.

7 Q. Okay.

8 A. Got it cleaned up.

9 Q. Okay.

10 A. That was -- had a call on that Sunday night and Monday night.

11 Q. And that was on the dispatcher bulletin?

12 A. No. It wasn't. It wasn't a flash flood. It's a call, rain  
13 before a slide. There were no flash --

14 Q. Okay.

15 MR. GORDON: I know you've got some more questions. I'll  
16 have another round maybe, but that's all I've got for right now.  
17 I appreciate that.

18 BY MR. HIPSKIND:

19 Q. Brett, you still doing okay?

20 A. I'm fine. I'm fine.

21 Q. You want to plow through this and do the second round?

22 A. I'm ready.

23 Q. Okay. Let's -- you kind of peaked my interest. You sit  
24 here, and you listen to answers. When you talked about some event  
25 that happened on Sunday at Mile Post 120.8, I took it that you

1 were talking about some encroachment like a slide or a rock fall  
2 or something of that. Go a little bit more in depth. Is that  
3 something that you went out and looked at?

4 A. That's correct.

5 Q. Okay. What did you see?

6 A. It was -- like we talked earlier, you could see it coming,  
7 the mud was coming. It was raining a little bit. You knew  
8 something was going to come. And the backhoe came out and worked  
9 to 1 o'clock in the morning. We removed it, set a lookout on it.  
10 Safety, you know, we had it, had it good.

11 Q. What is the "it" that you moved? That's --

12 A. We had a --

13 Q. -- I want to drill down --

14 A. -- root ball of a tree.

15 Q. Root ball.

16 A. Yeah. And it was next to the track.

17 Q. Okay.

18 A. It wasn't fouling the track. Train hit a little bit of the  
19 top. We removed it right there on the spot before the next train.

20 Q. In the ditch line more or less?

21 A. That's correct.

22 Q. But not up on the head of the ties or anything like that?

23 A. No. Well, it was close. It was on the head of the ties, but  
24 it was leaned over to where the ditch line took most of the  
25 weight.

1 Q. Away from the track?

2 A. That's correct.

3 Q. Okay. Common or uncommon to find something like that?

4 A. Uncommon. About every 6 months you find something big enough  
5 like that.

6 Q. Okay. Now, let's -- I think this is what Joe was kind of  
7 trying to get to as well. How did you know to be there? Were you  
8 called out or did you find this for some reason that you were out  
9 there?

10 A. No. It was 6 o'clock Sunday evening. Jacksonville called,  
11 roadmaster called, and I went.

12 Q. And what do you think triggered them calling you? In other  
13 words, if you don't know, like, I don't want you to say, but what  
14 do you guess is -- what triggered?

15 A. The train called it in. The train saw it and called it in.

16 Q. Okay. All right.

17 A. Southbound. No. It was northbound. Northbound train  
18 called, said we've got a little problem in the ditch line here.  
19 Train hit it a little bit so --

20 Q. So train sees something close to the track. They call the  
21 dispatcher, dispatcher likely calls the roadmaster, roadmaster  
22 notifies you, and you jump in your truck, and you know where to  
23 go, right?

24 A. Um-hmm.

25 Q. And how did you remedy all that?



1 A. Called the foreman and backhoe. We had about 6-hour window  
2 between trains.

3 Q. Okay.

4 A. Got it out.

5 Q. All right. Do they run a lot of trains out there on the  
6 Kingsport sub?

7 A. Quite a bit.

8 Q. Quite a bit. Do you have any problem getting an adequate  
9 amount of time on track to do all your inspection type activities?

10 A. I'm good with -- I know I have the -- I can take it if I have  
11 to have it. I wouldn't let a train or anything go by if it's  
12 unsafe.

13 Q. Okay. So tell me -- describe the truck that you use to do  
14 your inspections. How should I think of that? Is it like a  
15 pickup truck, a crew cab? Is it a bigger truck?

16 A. It's a smaller -- it's a 3500 Chevy four-door. It's a  
17 regular truck. It's got aluminum bed, high rails. It's a great  
18 truck.

19 Q. Okay. So high rail truck. And when -- and I don't want to  
20 put words in your mouth, but I want to get down to the ergonomics  
21 of riding in a high rail truck. And so you're elevated. You're  
22 able to move down the track. Most of the time your focus is  
23 forward looking out on the track structure, and the things you're  
24 looking for are broken rails -- you tell me.

25 A. Broken rails, gauge, and everything else. You've got to -- I

1 mean, you know, always looking for wash-out, always looking for  
2 trees, always looking for slides. And you're -- you always look  
3 for warps. You just -- your main focus is right there from the  
4 rails.

5 Q. Okay. When you're going down the track, this is what I want  
6 to drill down on with you, is what are your capabilities of  
7 viewing, say the bluff side or the slope side of the main track?  
8 Most of your main track is kind of river run, right?

9 A. That's correct.

10 Q. So I want to paint this picture. There is a bluff or a slope  
11 or a hill on one side of the track, and then off to the other side  
12 is water or the river down away from the track. So with that  
13 said, here's what I'm trying to figure out. How much of the slope  
14 side or the ridge side is visible to you?

15 A. Not much. You know, I have the roof of the truck -- the  
16 window. That being said though, too, if I see mud or something,  
17 or rock say in the ditch, you know you got something. So I stop  
18 and look. But if you don't have a indicator like that, I go.

19 Q. So, Brett, is it fair to say that as you're high-railing down  
20 the track, great view of the track and great view of -- to the  
21 river side of the track, right? Because that's all lower and you  
22 can see that. You're shaking your head yes, but I'm not --

23 A. Yes.

24 Q. -- getting an answer.

25 A. Yes, yes.

1 Q. Okay. But, and I'm going to guess that out the windshield or  
2 out the side window, you can see a limited portion up the bluff.  
3 But what is that, like, 100 feet or 150 feet?

4 A. It all depends on which direction I'm traveling. If I'm  
5 traveling on the river side, you know, I can see. But if I'm  
6 going on the hill side, I can see a little bit further out. But,  
7 yeah, 100 feet at the most.

8 Q. Okay. Well, I got to put a number to this. Would you  
9 routinely be looking at or even have the capability of looking 250  
10 feet up?

11 A. Yes. Yes, I'd -- well, that's a lot. I'd have to get out of  
12 the truck and look up.

13 Q. Okay. How about 300 feet up?

14 A. No.

15 Q. 400?

16 A. No.

17 Q. 500?

18 A. Impossible.

19 Q. Top of the ridge?

20 A. Impossible.

21 Q. Okay. All right.

22 MR. HIPSKIND: If we're going to -- I do have some stuff I  
23 have to talk to him about the end of it, but, Daniel, do you have  
24 any more questions you want to ask?

25 MR. WILSON: Yeah.

1 BY MR. WILSON:

2 Q. I think you already answered it, but just to make sure. You  
3 said your last special inspection was Sunday night?

4 A. Yes.

5 Q. And the dispatcher called the roadmaster, and then the  
6 roadmaster called you out?

7 A. Um-hmm.

8 Q. And then they called you out about a slide. Is that right?

9 A. That's correct.

10 Q. And then you said there was a slide and it was in the ditch?

11 A. Um-hmm. Ditch contained 90 percent of -- more than that.

12 Q. Anything in the foul of the track or --

13 A. Huh-uh.

14 Q. No. And where was that at? What mile post?

15 A. 120.8.

16 Q. Okay. 120.8. And how long were you out there that night?

17 A. I was out there for about 2 hours, and then I had the foreman  
18 and backhoe come. They took --

19 Q. Did you cover the whole territory or did you --

20 A. No.

21 Q. -- just cover the --

22 A. I just --

23 Q. -- spot they called?

24 A. -- covered the spot that they called.

25 Q. Okay. And then can you think of a time before that you did a

1 special inspection?

2 A. It's been awhile, but I've done numerous. They --

3 Q. So let me -- so is it -- does it vary on when you get called  
4 out what you look at? I mean, because you're empowered as a 213.7  
5 qualified inspector. You can look at anything you think that  
6 might need a focus. Does that vary on what you look at when  
7 you're called out or --

8 A. Yes.

9 Q. -- you have to cover the whole territory?

10 A. You have to cover it, and then cover it again when it's out  
11 to that certain amount of time. So I don't like taking risks. I  
12 try to cover my track and go from there. Have a problem, I want  
13 to fix it before the train, not do the 213. I want it fixed.

14 Q. Okay. And you've said this, but can you tell me one more  
15 time on Monday where you go on your regular frequency? You go  
16 from --

17 A. CMG 84 to CMG 128.

18 Q. 84 --

19 A. That includes the Big Sandy mainline sub and the Kingsport  
20 sub of my part.

21 Q. 128.0?

22 A. Yeah, 128.0.

23 Q. To the 84.0?

24 A. Yes.

25 Q. And then on Fridays you do?

1 A. The 84 and 102.

2 Q. Is that the CMG --

3 A. Yeah, CMG.

4 Q. CMG 84 to the 102. So you're looking at most of it about  
5 twice a week, and then there is 26 miles that you're only looking  
6 at once a week, correct?

7 A. Um-hmm.

8 Q. Correct? Okay.

9 A. That's correct.

10 Q. Do you know if anybody else does the other 26 miles?

11 A. No.

12 MR. MELLISH: And you're the only qualified -- sorry.

13 MR. HIPSKIND: I do want the transcript to reflect who is  
14 talking because the transcriptionist, she won't recognize the  
15 voices. So Danny, finish your questions, and then we'll hand it  
16 off to Greg.

17 BY MR. WILSON:

18 Q. Are you the only qualified contract employee inspector on  
19 this territory for Mr. Goble (ph.)?

20 A. Only bid in at Shelby. We do have others -- foreman's  
21 qualified and several others are qualified, but not the bidding  
22 inspector. I'm the only bid inspector.

23 Q. Is there another job that's out for bid?

24 A. No, sir.

25 Q. You're the only bid inspector --

1 A. That's correct.

2 Q. -- for this territory?

3 MR. WILSON: Okay. All right. That's all I have.

4 MR. HIPSKIND: Thanks, Danny.

5 Greg?

6 MR. MELLISH: Greg Mellish, CSX.

7 Do you know if there's anybody else that inspects 102 to 128?

8 MR. CONN: No, sir.

9 MR. MELLISH: Thank you.

10 MR. HIPSKIND: All right, Joe, back to you.

11 MR. GORDON: Okay. Joe Gordon, NTSB.

12 BY MR. GORDON:

13 Q. So just to go back to one of the things that you and Dick  
14 were talking about. Depending on the way that you're traveling,  
15 you may have the river go one side the mountain to the other. Is  
16 there any requirement that you traverse the track in a different  
17 direction or is that just, is that just something that you decide?

18 A. It's just something I decide, and I try to, I try to do it  
19 different because you see different stuff.

20 Q. Right.

21 A. Different things.

22 Q. Okay. Yeah. So that's -- is that something that you would  
23 take into account if you get a weather notification, heavy rain,  
24 and you expect that you may be looking for slides, you would try  
25 to high rail in a certain direction to increase the visibility

1 that you would have?

2 A. Yes. Yes. That's fair to say.

3 Q. Fair to say?

4 A. Fair to say.

5 Q. Okay. And so, I guess another good question in that regard.

6 Your tracks running, kind of snaking through the mountains. Do

7 you cross through the river so you put the mountain side on some

8 of your territory? So you're going timetable direction east and

9 west, correct?

10 A. That's correct.

11 Q. So on some of the territory is the mountain on your north

12 side, and then you switch over to the south side or does it?

13 A. On this, this territory is kind of different. It's all --

14 river is on all on one side.

15 Q. Pretty much stays on one side?

16 A. We follow the river.

17 Q. All right. Yeah, that helps. Historical perspective.

18 You've been inspecting for a long time on this territory --

19 A. That's correct.

20 Q. -- as well, right? How many -- and when we're talking about

21 slide events, have you ever seen a slide event like the one that

22 we had this past week?

23 A. Nowhere on any territory I've ever been on.

24 Q. Okay. And then in comparison the most recent one that you

25 got called out to?



1 A. Wasn't even a thimble. It was nothing, just basically a root  
2 ball.

3 Q. Right.

4 A. We've had big slides before, but nothing, nothing like that.

5 Q. Okay. So what would you say -- and we're not going to hold  
6 you to a number, but how common is it for you to go out and find  
7 the small slide that requires you guys to maybe come out with a  
8 backhoe and push some things out of the way?

9 A. It's -- I really, you know, I don't have a number, but it's  
10 not common, but it's not uncommon. I mean, if it happens, it  
11 happens. You just can't, you can't put a number on it.

12 Q. Right.

13 A. The best thing is to be there and find it, fix it.

14 Q. And in that area, 128.3, in that area, say, a mile either  
15 direction, any, like, reoccurring slides or areas that you --

16 A. It was 120.3.

17 Q. 120.3. Okay.

18 A. No --

19 MR. HIPSKIND: 123.8.

20 MR. CONN: Yeah, 123.8. I'm sorry. I was thinking about the  
21 first slide.

22 BY MR. GORDON:

23 Q. Oh, I'm sorry. 123.8. Okay. Yeah. I was --

24 A. That's --

25 Q. -- the other number.

1 A. -- nothing. I never had -- not the first slide.

2 Q. Even the smaller nuisance slides?

3 A. No, sir.

4 Q. Okay.

5 A. No, sir.

6 Q. All right. If you find something out there, you said that --  
7 I think you said something about protecting the track, you're  
8 going to do whatever you need to do to make it safe. Do you feel  
9 empowered? Do you feel comfortable to protect the track?

10 A. I don't care one bit, take the track out of service, not a  
11 bit. It will take anything. I don't care if it's, you know,  
12 trains or what. I don't -- have no problems.

13 MR. GORDON: Okay. All right. I believe that's all I have.

14 MR. HIPSKIND: Thanks, Joe.

15 And I'll go to -- if Brett's okay, I'll go to close-out if  
16 nobody else, all my other -- have any questions or anything.

17 No? Okay.

18 And I'll give you another opportunity, but we're going to  
19 have a little conversation here. Okay.

20 BY MR. HIPSKIND:

21 Q. So, Brett, did we ask you everything that you thought we  
22 should have? Are there other questions that maybe you wanted to  
23 talk about, but we just didn't think to ask you the question?

24 A. I think you all done great.

25 Q. Okay. Is there anything that you want to change or modify

1 about any of the discussion we've had?

2 A. No, sir.

3 Q. All right. Well, the truth be known, Brett and I talked  
4 ahead of the interview, and I know that there's something on your  
5 mind. So you've lived and worked around this area for how many  
6 decades?

7 A. I'm 48. So --

8 Q. So nearly 5 decades?

9 A. Yeah.

10 Q. Fair to say you know a little bit about the area,  
11 railroading, slopes, mountain ranges and all that?

12 A. Um-hmm.

13 Q. Tell me what you think about in terms of rain and wash-outs  
14 and blow-outs and mudslides and all that. What do you know that  
15 we haven't asked you about?

16 A. So much mining around here. This kind of rain, the old  
17 abandoned mines fill up with water, boom. Happen anywhere, any  
18 time.

19 Q. And is that what they refer to around here locally as a  
20 blow-out?

21 A. That's correct.

22 Q. Okay. And so what's going on there? So much water that  
23 gathers up in the mine, pressure, and it just blows out through  
24 the topsoil and booms?

25 A. It booms.

1 Q. Okay.

2 A. Lot of mines are not even recorded around here. And it  
3 could -- even somebody light a gas line up there, mess with the  
4 soil. I don't know, but I would -- my focus would be on the  
5 mines.

6 Q. I will tell you this, we are looking into that and we're  
7 aware of it. So let's get off the railroad for a minute. You  
8 travel up and down all the roads and county roads and highways  
9 around here?

10 A. That's correct.

11 Q. You ever see a lot of rock falls or mudslides?

12 A. Yes, I do. Yes, I do. Last year the road was shut down for  
13 6 months at the (indiscernible).

14 Q. I would say that was a significant --

15 A. Significant slide.

16 Q. Yeah.

17 A. And it was high water from US 23 and --

18 Q. And just to connect the dots, in your humble opinion all the  
19 stuff that we're talking about like special inspections, things  
20 that happen on the public roadways and stuff like that, is it  
21 generally the sequence rain, a lot of rain, blow-outs, mudslides,  
22 rock falls -- it comes in that order? One triggers the other?

23 A. It -- yes, yes. Heavy rains. We're in a mountainous area,  
24 so you can't predict it.

25 Q. Speaking of prediction, were you surprised at the mudslide

1 and where it occurred?

2 A. Yes. I've never had -- I don't even think even had a tree  
3 down in that area.

4 Q. So some of this is sudden?

5 A. Sudden and unexpected. I mean, if I had seen it -- just mud  
6 in the ditch, that would have been an indicator. Or even a rock,  
7 like I said. But this is just, boom. This could -- in my  
8 opinion, this could happen behind me after I inspected. Say, if  
9 had a flash flood out, happen between me and the train where it  
10 was --

11 Q. Yeah. We're looking into the timing of it too. So what --  
12 I'm not trying to put you on the spot or anything, Brett, but what  
13 do you think that we should be thinking about? Is there a  
14 solution or remedy to any of this, or what's your two cents on all  
15 that?

16 A. My two cents is maybe more inspection. I don't know how they  
17 do the flash flood and all that. I don't know who we'd contact or  
18 how they'd even tell somebody to come out and inspect, but maybe  
19 they ought to lower the standards on that for --

20 Q. Are we talking -- I just want to be clear. What you just  
21 said, are you talking about notifications from rainfall amounts so  
22 somebody is assessing the weather that's happening locally here,  
23 there, and to be more Johnny-on-the-spot with that kind of  
24 information?

25 A. Mr. Mellish, who does -- who calls it? Do we have a

1 company -- the company contactor?

2 MR. MELLISH: Yeah. Greg Mellish speaking. AccuWeather is  
3 basically the contractor, and they advise our operations desk in  
4 Jacksonville whenever there needs to be a warning. And they  
5 advise the Signal Department, who usually calls out either you or  
6 if they can't get you, they'll call out your boss, and he'll go to  
7 a level until he gets somebody to do the inspection. That's how  
8 the system works.

9 MR. HIPSKIND: Okay. That sounds -- that's very reminiscent  
10 of other accidents in the same kind of program that we've heard  
11 for that.

12 So, Brett --

13 MR. GORDON: I've got one more. Can I get one more question?

14 MR. HIPSKIND: Well, now, let me poll. You have another  
15 question, and you've got your finger up. So you have another  
16 question.

17 MR. WILSON: I can ask mine to the next representative if I  
18 need to.

19 MR. HIPSKIND: Well, if you want to ask Brett something,  
20 you've got the floor right now.

21 MR. WILSON: Okay. Daniel Wilson, FRA Track Inspector.

22 BY MR. WILSON:

23 Q. This is a unit ethanol train. I meant to ask you, is this --  
24 have you always hauled unit ethanol trains through this sub or is  
25 this something new you've seen?

1 A. That's something I couldn't answer.

2 Q. Okay.

3 MR. HIPSKIND: You done?

4 MR. WILSON: Yes, sir.

5 MR. HIPSKIND: And Joe Gordon, I know you're burning to ask a  
6 question?

7 MR. GORDON: Yeah. Joe Gordon, NTSB.

8 BY MR. GORDON:

9 Q. Slide fences on your territory. You're assigned territory  
10 that you cover weekly. Don't need a specific number. I know  
11 we'll have --

12 A. I got --

13 Q. -- engineering drawings. You know how many you've got?

14 A. Zero.

15 Q. You've got no slide fences. Okay. All right. And the last  
16 time that you had a -- doesn't have to be as big as an event as  
17 this one, but the last time that there was a slide that caused a  
18 mainline derailment to your knowledge?

19 A. Not on my territory.

20 Q. Okay.

21 MR. GORDON: That's all I've got.

22 MR. HIPSKIND: Gentlemen, is that it?

23 Brett, with your permission, do you have anything else you  
24 want to add? Otherwise, I'm going to close this thing out.

25 MR. CONN: No, sir. I'm good.

1 MR. HIPSKIND: Well, thank you for your patience and your  
2 time being here. You have a copy of the information I gave you,  
3 and we will send you a copy of the transcript as soon as we can.  
4 Other than that, thank you for your help with this today.

5 MR. CONN: Thank you, sir.

6 MR. HIPSKIND: We're going to go off the record.

7 (Whereupon, the interview was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF:                    DERAILMENT OF CSX TRANSPORTATION  
   TRAIN K42911 WITH SUBSEQUENT  
   HAZARDOUS MATERIALS RELEASE  
   IN DRAFFIN, KENTUCKY,  
   ON FEBRUARY 13, 2020  
   Interview of Brett Conn

ACCIDENT NO.:                        RRD20FR002

PLACE:                                 Pikeville, Kentucky

DATE:                                  February 15, 2020

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been transcribed  
to the best of my skill and ability.

  
\_\_\_\_\_  
Katherine Motley  
Transcriber